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In re Application of LEIJON et al  
U.S. Application No.: 09/926,608  
Int. Application No.: PCT/SE99/00944  
Int. Filing Date: 28 May 1999  
Priority Date: none  
Attorney Docket No.: 216272US  
For: A WIND POWER PLANT AND A METHOD  
FOR CONTROL

## COMMUNICATION

This is in response to applicant's "Petition for Suspension of Action Under 37 C.F.R. §1.103(a) and Request for a Second Suspension of Action Under 37 C.F.R. §1.103(a), Pursuant to MPEP §1002.02(c)9" filed 20 March 2002.

**BACKGROUND**

On 28 May 1999, applicant filed international application PCT/SE99/00944. A copy of the international application was communicated to the USPTO from the International Bureau on 07 December 2000. A Demand for international preliminary examination, in which the United States was elected, was filed on 30 November 2000, prior to the expiration of nineteen months from the priority date. Accordingly, the thirty-month period for paying the basic national fee in the United States expired at midnight on 28 November 2001.

On 26 November 2001, applicant filed national stage papers in the United States Designated/Elected Office (DO/EO/US). The submission was accompanied by, *inter alia*, the basic national fee required by 35 U.S.C. 371(c)(1).

On 15 January 2002, the DO/EO/US mailed a Notification of Missing Requirements Under 35 U.S.C. 371, which indicated that an oath or declaration in compliance with 37 CFR 1.497 must be filed.

On 20 March 2002, applicant filed the present petition and request.

### DISCUSSION

MPEP 709 states in relevant part,

Suspension of action (37 CFR 1.103) should not be confused with extension of time for reply (37 CFR 1.136). It is to be noted that a suspension of action applies to an impending Office action by the examiner whereas an extension of time for reply applies to action by the applicant. In other words, the action cannot be suspended in an application which contains an outstanding Office action or requirement awaiting reply by the applicant. It is only the action by the examiner which can be suspended under 37 CFR 1.103. (Emphasis added).

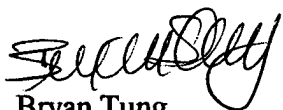
In the present case, applicant has not submitted a proper response to the Notification of Missing Requirements mailed 15 January 2002.

### CONCLUSION

For the reasons above, a decision on the present petition and request by the appropriate Technology Center will be held in abeyance until the filing of a proper response to the Notification of Missing Requirements mailed 15 January 2002.

Failure to respond to the Notification of Missing Requirements within the time period set therein will result in abandonment of the application.

Please direct further correspondence with respect to this matter to the Commissioner for Patents, Box PCT, Washington, D.C. 20231, and address the contents of the letter to the attention of the PCT Legal Office.



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